

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**  
**RESPONSE TO HEARING OFFICER DIRECTIVE**  
**DOCKET NO. 2014-372-T ORDER NO. 2015-1-H**  
**JANUARY 5, 2015**

**Hearing Officer: B. Randall Dong**

**DOCKET DESCRIPTION :**

Application of Rasier, LLC for a Class C-Transportation Network Company Certificate of Public Convenience and Necessity for Operation of Motor Vehicle Carrier

**MATTER UNDER CONSIDERATION:**

Motion to Compel of Checker Yellow Cab Co. , Inc.

**HEARING OFFICER'S ACTION:**

Direct Checker Yellow Cab Co., Inc. to supplement its motion to compel by providing the Commission with copies of all discovery requests and responses to date and identifying with particularity which of those responses were inadequate or improperly objected to no later than close of business Monday, January 5, 2015.

**INTERVENOR'S RESPONSE:**

Please find attached the following documents. (Note that discovery requests are restated in Rasier's responses therefore they shall not be included separately to avoid redundancy.)

**Attachment A :** Responses to Interrogatories of Checker Yellow Cab Company, Inc. South Carolina.

**Attachment B:** Responses to Request to Request to Produce of Checker Yellow Cab Company, Inc. South Carolina.

**Attachment C:** Responses to Request to Admit of Checker Yellow Cab Company, Inc. South Carolina.

**INTERROGATORIES:**

1. Interrogatory # 1: Checker Yellow Cab Co. Inc. ("CYC") requested the number of calls that have been completed at the time of responding to this request since operations began in 2014. CYC believes this is relevant as to Rasier's Fitness to operate in South Carolina and that revealing the number of calls would be an important factor the Commission would want to consider when evaluating Rasier's application. It is CYC's contention that Uber and or Rasier have dispatched thousands of calls illegally throughout the state since operations began in July 2014.

All calls should be easily retrievable in Uber and or Rasier's database and are maintained in an easily retrievable format stating the driver, date, location, and amount of fare. However, for the purposes of this Interrogatory the total number of calls dispatched is all that is requested.

Rasier has objected claiming the request is vague without giving details as to why it's vague or what information it needs to make the request clear. Rasier also objects on the ground that the information is not likely to lead to discoverable evidence which has been addressed above. Rasier claims the information sought is confidential, proprietary and a trade secret without giving any specifics or citing any relevant law. It is difficult to see how the number of calls completed is proprietary or a trade secret.

The applicable court rule is SCRCp 26 b (1). It states:

*(b) Scope of Discovery. Unless otherwise limited by order of the court in accordance with these rules, the scope of discovery is as follows:*

- (1) In General. Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.*

CYC believes that this information is crucial to evaluating the application. An applicant which has completed thousands of calls knowingly without proper authority should have any certificate it seeks denied on the grounds it is not fit, willing, or able to operate as a motor vehicle carrier.

2. Interrogatory #2: CYC is requesting the identity of the person or persons who would be the custodian of the financial records related to its transactions with its drivers. CYC would like the ability to either depose or issue a subpoena duces tecum to this person or persons.

The request was objected to on the grounds the term "financial records" was overly broad and impermissibly vague without providing any information as to what makes such a simple request vague or what could make it clearer.

Rasier maintains contracts, credit card, and payroll records for its drivers. These, under any reasonable persons understanding would constitute financial records. However, there may be other financial transactions between the applicant and its drivers hence the broader term "financial records" was used to cover that possibility. These financial records would have to be maintained by someone. The identity of the person or persons who have custodial responsibilities over these records is all that is required in this request.

3. Interrogatories 3-6 are necessary to show that Uber and/or Rasier have been ordered to cease operations in other jurisdictions but continued operating anyway. This would certainly be information of considerable importance to the Commission in weighing the fitness, ability, and willingness of Rasier to comply with the laws of the State of South Carolina.

Rasier's objection appears to be a canned, specious claim that these simple requests are vague, irrelevant and beyond the scope of discovery.

4. Interrogatory # 7 seeks to obtain information as to legal cases brought against Uber and/or Rasier in which Uber or Rasier have attempted to limit its liability by claiming its insurance policy did not apply to particular claims. Uber and Rasier, are representing to the Commission they have "exceptional" insurance coverage, but when claims are presented it is believed they concoct a litany of disingenuous defenses claiming the situation in which claim arose was outside of their coverage.

Gaps in insurance coverage are a major issue in this application and the disclosure of this information would lead to discovering if in fact these gaps are being exploited by Uber and/or Rasier in ways contrary to the representations made to the Commission in its application. CYC believes the Commission should know and would find very relevant any tactics being employed by the applicant or its parent company that are detrimental the public's interest.

5. Interrogatory # 8 is a very simple request which can be answered by a yes or no answer. As previously stated and discussed in Mr. Salane's testimony, commercial insurance is very important and relevant. Because the James River policy does not cover the Rasier

driver's car at all times with commercial insurance, a simple no would have been sufficient. Rasier's response is non-responsive in its current form. CYC asks the hearing officer to direct a full and truthful response for the record.

6. CYC withdraws request # 9.
7. Interrogatory # 10: Upon withdrawal of Rasier's objection CYC finds these responses sufficient.
8. Interrogatory #11: CYC can qualify this request by stating that it is limited to South Carolina since operations began in July. Paying fines on behalf of drivers debunks a claim that Uber or Rasier is merely a technology company and is relevant to show that both are in fact motor vehicle carriers subject to the laws of South Carolina. Additionally, if true, is clear evidence Uber and Rasier knew they was operating illegally and that the drivers are operating illegally. This information CYC believes would be relevant to the Commission. The wilful violation of PSC regulations, statutes and city ordinances governing for hire motor vehicles is egregious and should disqualify Uber and Rasier from receiving authority.
9. Interrogatory #12 - #17. Upon withdrawal of Rasier's objections CYC finds these responses sufficient.
10. Interrogatory #18: The response to this request is not specific and non-responsive. CYC requests a full and complete description of the markings displayed by the applicant's drivers.
11. Interrogatory #19: Upon withdrawal of Rasier's objections CYC finds this response is sufficient.
12. Interrogatory #20: Upon withdrawal of Rasier's objections CYC finds this response is sufficient.
13. Interrogatory #21: This response doesn't respond to the question being asked and that is who actually sets the rates charged by the drivers? Is it Rasier? Uber? Or do the drivers set their own rates?



## **REQUEST FOR PRODUCTION:**

1. This request is vital to obtain the names of potential witnesses CYC would like to call at the hearing. These witnesses could testify to important relevant matters such as:
  - a. What they have been instructed to do, if anything, regarding compliance with vehicle for hire laws and regulations.
  - b. Who is their point of contact at Rasier or Uber?
  - c. Who pays them?
  - d. Is their contract actually with Rasier or is it with Uber?
  - e. Who were they driving for before Rasier incorporated here?
  - f. Have they received any payroll from Uber or Rasier?
  - g. Have they been instructed to disregard the laws pertaining to vehicle for hire motor carriers and if so by whom?
  - h. Have they been promised that any citations they received would be paid by Rasier or Uber? If so by whom?
  - i. Who maintains their financial records with Uber or Rasier?
  - j. Have they been instructed to refrain from informing their personal insurance company that they would be engaging in commercial operations and if so by whom?
  - k. Have they picked up passengers "off app" and provided rides for compensation.
  - l. Have they been instructed to commit insurance fraud or misrepresent in any way the true use of their personal vehicle?
  - m. How much money have they grossed from operations since they began?
  - n. Do they maintain a copy of the contract between them and Rasier and if so what are its terms?
  - o. Other information deemed relevant to the operation of their vehicle for hire.

Rasier, without providing any reasons why, objects that it is too burdensome to print out a list of its drivers, and that the list is confidential, proprietary, and somehow a trade secret. CYC contends the needs of the Commission to obtain truthful information from drivers who have been operating illegally far outweigh Rasier's need to protect the identity of its drivers. The objections regarding the burden of printing a list of drivers and trade secrets are simply without merit.

2. Request for production #2 has been provided.

3. Request for Production #3: At the initial drivers' recruitment meeting an Uber representative told drivers that Uber (not Rasier) would pay drivers \$12/hr. until the drivers became established and business picked up. This request seeks any payroll records kept as a result of any payments made to drivers. These records are required to be kept per I.R.S regulations and should be readily available.

This information is relevant because it identifies drivers that were actually hired by the Applicant to break the law. This would have a direct bearing on Rasier's fitness and willingness to follow established motor carrier regulations.

4. Request for Production #4 seeks copies of ads (solicitations) run by Uber and Rasier used to recruit drivers. This information would be helpful to show that it was Uber not Rasier who recruits drivers and therefore controls, and manages vehicles for hire. This supports or is likely to support CYC's contention that Uber and Rasier should be applying for authority not just Rasier. It also is more evidence that Rasier exists in name only and is an alter ego of Uber who should be the real party before the Commission.

Rasier's objection is the same canned response that this information isn't relevant and is outside the scope of SCRCP 26.

#### **REQUEST FOR ADMISSION:**

1. The first Request to Admit requests that Rasier admit that it began operations in South Carolina in July 2014 without any authority from the Public Service Commission. This statement is neither vague nor overly broad.

Rasier asserts, without any specifics, that the request is overly broad and impermissibly vague. Rasier then attempts, in its qualified answer, that "TNC partners" began operations in July 2014, not Rasier. It then goes on to imply that the Commission had a duty to make a determination or ruling that Uber and/or Rasier were subject to the Rules and Regulations of the Commission before they began operations. O.R.S. representatives met with representatives from Uber in March 2014 and specifically informed them that they would need authority from the Commission in order to engage in their business model. (See Direct Testimony of Dawn Hipp). Despite the information from O.R.S and in contrary to Commission rules and regulations, Uber and/or Rasier recruited drivers, provided insurance, provided them smartphones, entered into contracts with them, established a commission split with them, and launched them on the street along with a free ride program and a massive marketing effort designed to attract riders to its drivers. Uber and Rasier profited from the transportation of passengers in direct contravention of South Carolina law.

*SCRCP 36(a) provides inter alia, "unless the court determines that an objection is justified, it shall order that an answer be served. If the court determines that an answer does not comply with the requirements of this rule, it may order either that the matter is admitted or that an amended answer be served." SCRCP 36(a).*

CYC requests that the Hearing Officer determine Rasier's response to be frivolous, does not comply with the SCRCP 36(a), and be deemed admitted without leave for an amended answer.

2. The second request needs no clarification. Despite that fact Rasier responds with the same objections seeking to give a qualified answer while preserving frivolous objections.

CYC requests that the Hearing Officer determine Rasier's response to be frivolous, does not comply with the SCRCP 36(a), and be deemed admitted without leave for an amended answer.

3. Request # 3 needs no further explanation.

CYC requests that the Hearing Officer determine Rasier's response to be frivolous, does not comply with the SCRCP 36(a), and be deemed admitted without leave for an amended answer.

4. Request # 4 needs no further explanation.

CYC requests that the Hearing Officer determine Rasier's response to be frivolous, does not comply with the SCRCP 36(a), and be deemed admitted without leave for an amended answer.

5. Request # 5 needs no further explanation.

CYC requests that the Hearing Officer determine Rasier's response to be frivolous, does not comply with the SCRCP 36(a), and be deemed admitted without leave for an amended answer.

6. Request #6 needs no further explanation. Rasier has refused to give a proper response but instead gives a response "subject to" frivolous objections.

CYC requests that the Hearing Officer determine Rasier's response to be frivolous, does not comply with the SCRCP 36(a), and be deemed admitted without leave for an amended answer.

7. Request #7 needs no further explanation. Rasier has refused to give a proper response but instead gives a response "subject to" frivolous objections.

CYC requests that the Hearing Officer determine Rasier's response to be frivolous, does not comply with the SCRCP 36(a), and be deemed admitted without leave for an amended answer.

8. Request #8 needs no further explanation. Rasier has refused to give a proper response but instead gives a response "subject to" frivolous objections.

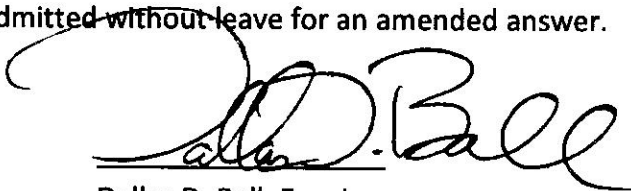
CYC requests that the Hearing Officer determine Rasier's response to be frivolous, does not comply with the SCRCP 36(a), and be deemed admitted without leave for an amended answer.

9. Request #9 needs no further explanation. Rasier has refused to give a proper response but instead gives a response "subject to" frivolous objections.

CYC requests that the Hearing Officer determine Rasier's response to be frivolous, does not comply with the SCRCP 36(a), and be deemed admitted without leave for an amended answer.

10. Request #10 needs no further explanation. Rasier has refused to give a proper response but instead gives a response "subject to" frivolous objections.

CYC requests that the Hearing Officer determine Rasier's response to be frivolous, does not comply with the SCRCP 36(a), and be deemed admitted without leave for an amended answer.

A handwritten signature in black ink, appearing to read "Dallas D. Ball", with a large, stylized flourish above the name.

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# **ATTACHMENT A**

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2014-372-T**

IN RE:	)	
	)	
Application of Rasier, LLC for a	)	
Class C – Transportation Network Company)	)	<b>RESPONSES TO INTERROGATORIES</b>
Certificate of Public Convenience and	)	<b>OF CHECKER YELLOW CAB</b>
Necessity for Operation of Motor Vehicle	)	<b>COMPANY, INC. SOUTH CAROLINA</b>
Carrier	)	
	)	

Pursuant to S.C. Code Ann. Regs. 103-833 and Rules 26 and 33, South Carolina Rules of Civil Procedure, Rasier, LLC (“Rasier”) provides the following responses to Intervenor Checker Yellow Cab Company, Inc. South Carolina’s (“Intervenor”) Interrogatories.

**GENERAL OBJECTION**

Rasier objects to Intervenor’s Interrogatories for failure to comply with S.C. Code Ann. Reg. 103-833, the South Carolina Rules of Civil Procedure, and Public Service Commission of South Carolina (“Commission”) Order 2014-878, which approved the proposed schedule for this matter agreed to by the parties and established November 15, 2014, as the deadline for “Discovery Requests to All Parties.” As of the date of this response, Intervenor has not served the Interrogatories on Rasier, much less by the November 15, 2014, deadline, nor has Intervenor furnished Rasier with a copy of the Interrogatories by any method. By setting forth its responses herein, Rasier does not concede or waive this objection with respect to any or all of Intervenor’s Interrogatories, and Rasier specifically asserts that Intervenor’s Interrogatories should be stricken for this failure to comply with the applicable discovery rules and the Commission’s Order.

Rasier further objects to Intervenor's Interrogatories to the extent they are overly broad and impermissibly vague, unduly burdensome, not properly limited in time, irrelevant, oppressive, and are not reasonably calculated to lead to the discovery of admissible evidence pursuant to the Rules and Regulations of the Commission and Rules 26 and 33 of the South Carolina Rules of Civil Procedure.

Rasier further objects to Intervenor's Interrogatories to the extent they purport to seek discovery of information protected by attorney/client privilege, the work product doctrine, or any other applicable privilege, or seek discovery of trade secret or other confidential and proprietary commercial information. In setting forth its responses, Rasier does not waive any such privileges, immunities, or protections which may attach to information called for in, or which may be in response to, Intervenor's Interrogatories, and no response is intended as or should be construed as a waiver of such privileges, immunities, or protections.

Rasier further objects to Intervenor's Interrogatories to the extent they purport to seek legal conclusions.

Rasier further objects to Intervenor's Interrogatories to the extent they purport to impose discovery obligations on Rasier inconsistent with, or beyond the scope of, what is permitted under the Rules and Regulations of the Commission and Rules 26 and 33 of the South Carolina Rules of Civil Procedure or any other applicable law. Rasier further objects to Intervenor's Interrogatories to the extent they seek discovery of matters other than those subject to the jurisdiction of the Commission.

By responding to Intervenor's Interrogatories, Rasier does not admit or concede the relevance or materiality of any documents listed in this response. Rasier reserves the right to question the competency, relevancy, materiality, privilege, and admissibility of any documents

referred to herein. Rasier further reserves all objections to the admission into evidence or use of any or all of its responses to Intervenor's Interrogatories. Rasier further reserves the right to revise, correct, update, supplement, or clarify any of these responses.

Subject to and without waiving these General Objections, which are incorporated into all responses as if stated verbatim therein, Rasier responds to the Intervenor's Interrogatories as follows:

### **RESPONSES TO INTERROGATORIES**

1. State the number of calls that Uber's, Rasier's, or its subsidiaries', driver "partners" have completed in South Carolina since operations began in 2014.

#### **RESPONSE:**

Rasier objects to this Interrogatory on the grounds that it is impermissibly vague and seeks information which is neither relevant to the subject matter with regard to the above-referenced docket nor reasonably calculated to lead to the discovery of admissible evidence. Rasier further objects to this Interrogatory on the grounds that it seeks information that is confidential, proprietary, and trade secret information. Rasier further objects to this Interrogatory on the grounds that it seeks to impose discovery obligations on Rasier inconsistent with, and beyond the scope of, what is permitted under the Rules and Regulations of the Commission and Rules 26 and 33 of the South Carolina Rules of Civil Procedure.

2. Provide name, address, and title of person or persons who are the custodians of the financial records of Uber's, Rasier's, or its subsidiaries', driver "partners."

#### **RESPONSE:**

Rasier objects to this Interrogatory on the grounds that the phrase "financial records" is overly broad and impermissibly vague and that this Interrogatory seeks information which is neither relevant to the subject matter with regard to the above-referenced docket nor reasonably calculated to lead to the discovery of admissible evidence. Rasier further objects to this Interrogatory on the grounds that it seeks information that is confidential, proprietary, and trade secret information. Rasier further objects to this Interrogatory on the grounds that it seeks to impose discovery obligations on Rasier inconsistent with, and beyond the scope of, what is permitted under the Rules and Regulations of the Commission and Rules 26 and 33 of the South Carolina Rules of Civil Procedure.



3. List all jurisdictions (state and municipal) in the United States where Uber, Rasier, or its subsidiaries have been ordered to cease operations.

**RESPONSE:**

Rasier objects to this Interrogatory on the grounds that it is impermissibly vague and seeks information which is neither relevant to the subject matter with regard to the above-referenced docket nor reasonably calculated to lead to the discovery of admissible evidence. Rasier further objects to this Interrogatory on the grounds that it seeks to impose discovery obligations on Rasier inconsistent with, and beyond the scope of, what is permitted under the Rules and Regulations of the Commission and Rules 26 and 33 of the South Carolina Rules of Civil Procedure.

4. List all jurisdictions named in Interrogatory 3 that Uber, Rasier, or its subsidiaries have continued to operate in, despite being ordered to cease operations.

**RESPONSE:**

Rasier objects to this Interrogatory on the grounds that it is impermissibly vague and seeks information which is neither relevant to the subject matter with regard to the above-referenced docket nor reasonably calculated to lead to the discovery of admissible evidence. Rasier further objects to this Interrogatory on the grounds that it seeks to impose discovery obligations on Rasier inconsistent with, and beyond the scope of, what is permitted under the Rules and Regulations of the Commission and Rules 26 and 33 of the South Carolina Rules of Civil Procedure.

5. Has Uber Technologies, Rasier, or its subsidiaries, ever been subject to a court ordered injunction in the United States?

**RESPONSE:**

Rasier objects to this Interrogatory on the grounds that it is overly broad and impermissibly vague, not properly limited in time, and seeks information which is neither relevant to the subject matter with regard to the above-referenced docket nor reasonably calculated to lead to the discovery of admissible evidence. Rasier further objects to this Interrogatory on the grounds that it seeks to impose discovery obligations on Rasier inconsistent with, and beyond the scope of, what is permitted under the Rules and Regulations of the Commission and Rules 26 and 33 of the South Carolina Rules of Civil Procedure.

6. If the answer to Intervener's Interrogatory 5 is yes, please list all court ordered injunctions, including caption and case number, and the beginning and ending dates of the injunction.

**RESPONSE:**

Rasier objects to this Interrogatory on the grounds that it is overly broad and impermissibly vague, not properly limited in time, and seeks information which is neither relevant to the subject matter with regard to the above-referenced docket nor reasonably calculated to lead to the discovery of admissible evidence. Rasier further objects to this Interrogatory on the grounds that it seeks to impose discovery obligations on Rasier inconsistent with, and beyond the scope of, what is permitted under the Rules and Regulations of the Commission and Rules 26 and 33 of the South Carolina Rules of Civil Procedure.

7. Please list by court caption, jurisdiction, and case number all cases or administrative actions now or formerly commenced against Uber Technologies, Rasier, or its subsidiaries where either Uber, Rasier, or its subsidiaries have raised a defense of a lack of Insurance coverage or denied applicability of insurance coverage.

**RESPONSE:**

Rasier objects to this Interrogatory on the grounds that it is impermissibly vague and seeks information which is neither relevant to the subject matter with regard to the above-referenced docket nor reasonably calculated to lead to the discovery of admissible evidence. Rasier further objects to this Interrogatory on the grounds that it seeks to impose discovery obligations on Rasier inconsistent with, and beyond the scope of, what is permitted under the Rules and Regulations of the Commission and Rules 26 and 33 of the South Carolina Rules of Civil Procedure.

8. Is the car of an Uber, Rasier, or its subsidiaries driver "partner's" car covered by commercial insurance at all times?

**RESPONSE:**

Notwithstanding and without waiving the General Objections, Rasier responds that individuals ("TNC Partners") are covered by the James River policy as described in Exhibit B to the application.

9. If Uber, Rasier, or its subsidiaries are seeking an exemption from any PSC regulation, please state with specificity the exact reason or reasons an exception is needed and warranted, and why Uber, Rasier, or its subsidiaries could not comply with the existing regulations.

**RESPONSE:**

Notwithstanding and without waiving the General Objections, see Rasier's Application for a Class C – Transportation Network Company ("TNC") Certificate of Public Convenience and Necessity for Operation of Motor Vehicle Carrier, pp. 11-12.

10. In Uber's, Rasier's, or its subsidiaries' organization, who is responsible for vehicle inspections?

**RESPONSE:**

Rasier objects to this Interrogatory on the grounds that it is overly broad and impermissibly vague, not properly limited in time, and seeks information which is neither relevant to the subject matter with regard to the above-referenced docket nor reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding and without waiving these objections and the General Objections, Rasier responds that vehicles operated by TNC Partners must undergo and pass a comprehensive safety inspection by an ASE-certified mechanic before the vehicle provides transportation network services and thereafter on an annual basis. The vehicle safety inspection must be completed in accordance with Rasier's Annual Vehicle Inspection report.

11. List all tickets/fines paid by Uber, Rasier, or its subsidiaries on behalf of driver "partners."

**RESPONSE:**

Rasier objects to this Interrogatory on the grounds that it is overly broad and impermissibly vague, not properly limited in time, and seeks information which is neither relevant to the subject matter with regard to the above-referenced docket nor reasonably calculated to lead to the discovery of admissible evidence. Rasier further objects to this Interrogatory on the grounds that it seeks to impose discovery obligations on Rasier inconsistent with, and beyond the scope of, what is permitted under the Rules and Regulations of the Commission and Rules 26 and 33 of the South Carolina Rules of Civil Procedure.

12. List corporate governing members of Uber, Rasier, and its subsidiaries, and state of incorporation.

**RESPONSE:**

Rasier objects to this Interrogatory on the grounds that it is overly broad and impermissibly vague and seeks information which is neither relevant to the subject matter with regard to the above-referenced docket nor reasonably calculated to lead to the discovery of admissible evidence. Rasier further objects to this Interrogatory on the grounds that it seeks to impose discovery obligations on Rasier inconsistent with, and beyond the scope of, what is permitted under the Rules and Regulations of the Commission and Rules 26 and 33 of the South Carolina Rules of Civil Procedure. Notwithstanding and without waiving these objections and the General Objections, Rasier is a wholly owned subsidiary of Uber and a limited liability company duly organized under the laws of the State of Delaware and authorized to transact business in South Carolina. Axel Martinez and Karen Walker are the current managers of Rasier.

13. State the criteria driver "partners" use in rating passengers.

**RESPONSE:**

Rasier objects to this Interrogatory on the grounds that it is overly broad and impermissibly vague, and seeks information which is neither relevant to the subject matter with regard to the above-referenced docket nor reasonably calculated to lead to the discovery of admissible evidence. Rasier further objects to this Interrogatory on the grounds that it seeks to impose discovery obligations on Rasier inconsistent with, and beyond the scope of, what is permitted under the Rules and Regulations of the Commission and Rules 26 and 33 of the South Carolina Rules of Civil Procedure. Notwithstanding and without waiving these objections and the General Objections, Rasier responds that there are no predetermined or specified criteria that TNC Partners use to rate riders, but rather TNC Partners have the option to rate riders after each trip on a one-to-five-star rating scale and to provide feedback regarding their riders.

14. What happens to passengers who receive ratings of 2 or below?

**RESPONSE:**

Rasier objects to this Interrogatory on the grounds that it is overly broad and impermissibly vague, and seeks information which is neither relevant to the subject matter with regard to the above-referenced docket nor reasonably calculated to lead to the discovery of admissible evidence. Rasier further objects to this Interrogatory on the grounds that it seeks to impose discovery obligations on Rasier inconsistent with, and beyond the scope of, what is permitted under the Rules and Regulations of the Commission and Rules 26 and 33 of the South Carolina Rules of Civil Procedure. Notwithstanding and without waiving these objections and the General Objections,

Rasier responds that Rasier has no policy for riders who may receive a rating of 2 or below.

15. Please state with specificity the checks that are performed on the driver "partners" before commencement of operations, and state who directs and pays for the inspection.

**RESPONSE:**

Notwithstanding and without waiving the General Objections, see Rasier's Application, pp. 2, 9-10, and 13 for a description of the background checks and inspections Rasier pays for and completes prior to permitting an individual to act as a TNC Partner.

16. Please state whether or not Uber, Rasier, and its subsidiaries maintain driver files. If so, state the contents of that file.

**RESPONSE:**

Rasier objects to this Interrogatory on the grounds that the phrase "driver files" is overly broad and impermissibly vague and that this Interrogatory seeks information which is neither relevant to the subject matter with regard to the above-referenced docket nor reasonably calculated to lead to the discovery of admissible evidence. Rasier further objects to this Interrogatory on the grounds that it seeks information that is confidential, proprietary, and trade secret information. Rasier further objects to this Interrogatory on the grounds that it seeks to impose discovery obligations on Rasier inconsistent with, and beyond the scope of, what is permitted under the Rules and Regulations of the Commission and Rules 26 and 33 of the South Carolina Rules of Civil Procedure. Notwithstanding and without waiving these objections and the General Objections, Rasier responds that it maintains records for all TNC Partners who operate in South Carolina, including up to date copies of the following documents and information for such TNC Partners: (1) Proof that each TNC Partner maintains a personal automobile liability insurance policy that meets the minimum state requirements; (2) Each TNC Partner's driver's license; (3) Each TNC Partner's social security number; (4) Each TNC Partner's vehicle's registration card; and (5) Proof of inspections.

17. Who resolves disputes among passengers and drivers for Uber, Rasier, and its subsidiaries?

**RESPONSE:**

Rasier objects to this Interrogatory on the grounds that it is overly broad and impermissibly vague and seeks information which is neither relevant to the subject matter with regard to the above-referenced docket nor reasonably calculated to lead to the discovery of admissible evidence. Rasier further objects to this Interrogatory on the grounds that it seeks to impose discovery obligations on Rasier inconsistent with, and beyond the scope of, what is permitted under the Rules and Regulations of the Commission and Rules 26 and 33 of the South Carolina Rules of Civil Procedure.

Notwithstanding and without waiving these objections and the General Objections, Rasier responds that Rasier and Uber assist riders and TNC Partners to address issues that may arise. Rasier also constantly monitors the ratings and feedback from riders regarding TNC Partners, and a TNC Partner whose service is deemed unsatisfactory as a result of rider responses, after investigation, is no longer permitted to access the TNC platforms. Should a rider complain about a TNC Partner with whom the rider was matched and for whom the rider reasonably suspects was under the influence of drugs or alcohol during the course of the ride, Rasier will immediately deactivate the TNC Partner's access to the Uber App pending an investigation of the allegations. The TNC Partner's deactivation of access to the Uber App will last for the duration of the investigation. Additionally, Rasier responds that the Commission and the Office of Regulatory Staff have the authority to address and resolve rider complaints that are within their jurisdiction and statutory authority.

18. What markings are on driver "partner" vehicles while they are engaged in passenger for hire transportation services?

**RESPONSE:**

Notwithstanding and without waiving the General Objections, Rasier responds that while engaged in providing transportation services, each TNC Partner vehicle will be required to display a marking visible from outside the vehicle identifying it as a vehicle operated under a TNC platform.

19. Do Uber, Rasier, and its subsidiaries employ personnel whose responsibilities include inspections, regulatory compliance, and driver management?

**RESPONSE:**

Rasier objects to this Interrogatory on the grounds that the phrases "inspections," "regulatory compliance," and "driver management," are all overly broad and impermissibly vague and that this Interrogatory seeks information which is neither relevant to the subject matter with regard to the above-referenced docket nor reasonably calculated to lead to the discovery of admissible evidence. Rasier further objects to this Interrogatory on the grounds that it seeks to impose discovery obligations on Rasier inconsistent with, and beyond the scope of, what is permitted under the Rules and Regulations of the Commission and Rules 26 and 33 of the South Carolina Rules of Civil Procedure. Notwithstanding and without waiving these objections and the General Objections, Rasier responds that there are personnel whose duties and responsibilities include and/or relate to TNC Partner vehicle inspections, compliance with federal, state, and local rules and regulations, and recruiting, contracting with, and managing the contractual relationship with TNC Partners.

20. Do Uber, Rasier, and its subsidiaries maintain a physical office location in the state of South Carolina?

**RESPONSE:**

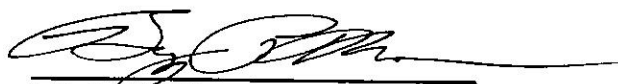
Notwithstanding and without waiving these objections and the General Objections, Rasier responds that it does not presently maintain a physical office location within the state of South Carolina.

21. Who sets the prices that drivers charge for UberX, Rasier, and its subsidiaries?

**RESPONSE:**

Rasier objects to this Interrogatory on the grounds that it is overly broad and impermissibly vague, and seeks information which is neither relevant to the subject matter with regard to the above-referenced docket nor reasonably calculated to lead to the discovery of admissible evidence. Rasier further objects to this Interrogatory on the grounds that it seeks to impose discovery obligations on Rasier inconsistent with, and beyond the scope of, what is permitted under the Rules and Regulations of the Commission and Rules 26 and 33 of the South Carolina Rules of Civil Procedure. Notwithstanding and without waiving these objections and the General Objections, Rasier responds that the rates identified in Rasier's application are calculated on the basis of the distance and time between the points of origination and the destination and include a minimum base fare and safe rides fee. Rates also may increase or decrease in real time for the purpose of balancing supply and demand through the application of dynamic pricing, which is driven algorithmically depending on wait times and the number of unfulfilled requests.

Respectfully submitted,



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*Attorneys for Rasier, LLC*

December 5, 2014  
Columbia, South Carolina

# **ATTACHMENT B**



**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2014-372-T**

IN RE:	)	
	)	
Application of Rasier, LLC for a	)	
Class C – Transportation Network Company)	)	<b>RESPONSES TO REQUESTS TO</b>
Certificate of Public Convenience and	)	<b>PRODUCE OF CHECKER YELLOW CAB</b>
Necessity for Operation of Motor Vehicle	)	<b>COMPANY, INC. SOUTH CAROLINA</b>
Carrier	)	
_____	)	

Pursuant to S.C. Code Ann. Regs. 103-833 and Rules 26 and 34, South Carolina Rules of Civil Procedure, Rasier, LLC (“Rasier”) provides the following responses to Intervenor Checker Yellow Cab Company, Inc. South Carolina’s (“Intervenor”) Requests to Produce.

**GENERAL OBJECTION**

Rasier objects to Intervenor’s Requests to Produce for failure to comply with S.C. Code Ann. Reg. 103-833, the South Carolina Rules of Civil Procedure, and Public Service Commission of South Carolina (“Commission”) Order 2014-878, which approved the proposed schedule for this matter agreed to by the parties and established November 15, 2014, as the deadline for “Discovery Requests to All Parties.” As of the date of this response, Intervenor has not served the Requests to Produce on Rasier, much less by the November 15, 2014, deadline, nor has Intervenor furnished Rasier with a copy of the Requests to Produce by any method. By setting forth its responses herein, Rasier does not concede or waive this objection with respect to any or all of Intervenor’s Requests to Produce, and Rasier specifically asserts that Intervenor’s

Requests to Produce should be stricken for this failure to comply with the applicable discovery rules and the Commission's Order.

Rasier further objects to Intervenor's Requests to Produce to the extent they are overly broad and impermissibly vague, unduly burdensome, not properly limited in time, irrelevant, oppressive, and are not reasonably calculated to lead to the discovery of admissible evidence pursuant to the Rules and Regulations of the Commission and Rules 26 and 34 of the South Carolina Rules of Civil Procedure.

Rasier further objects to Intervenor's Requests to Produce to the extent they purport to seek discovery of information protected by attorney/client privilege, the work product doctrine, or any other applicable privilege, or seek discovery of trade secret or other confidential and proprietary commercial information. In setting forth its responses, Rasier does not waive any such privileges, immunities, or protections which may attach to information called for in, or which may be in response to, Intervenor's Requests to Produce, and no response is intended as or should be construed as a waiver of such privileges, immunities, or protections.

Rasier further objects to Intervenor's Requests to Produce to the extent they seek legal conclusions.

Rasier further objects to Intervenor's Requests to Produce to the extent they purport to impose discovery obligations on Rasier inconsistent with, or beyond the scope of, what is permitted under the Rules and Regulations of the Commission and Rules 26 and 34 of the South Carolina Rules of Civil Procedure or any other applicable law. Rasier further objects to Intervenor's Requests to Produce to the extent they seek discovery of matters other than those subject to the jurisdiction of the Commission.

By responding to Intervenor's Requests to Produce and producing information with these responses, Rasier does not admit or concede the relevance or materiality of any request. Rasier reserves the right to question the competency, relevancy, materiality, privilege, and admissibility of any documents produced or referred to herein. Rasier further reserves all objections to the admission into evidence or use of any or all of its responses to Intervenor's Requests to Produce. Rasier further reserves the right to revise, correct, update, supplement, or clarify any of these responses.

Subject to and without waiving these General Objections, which are incorporated into all responses as if stated verbatim therein, Rasier responds to the Requests to Produce as follows:

#### **RESPONSES TO REQUESTS TO PRODUCE**

1. Provide a list of driver "partners" in South Carolina who have participated on Uber's, Rasier's, or its subsidiaries' platform since operation began in 2014. Include the name, vehicle make and model, and city in which they were operating.

#### **RESPONSE:**

Rasier objects to this Request to Produce on the grounds that it is overly broad and impermissibly vague, unduly burdensome, and seeks information which is neither relevant to the subject matter with regard to the above-referenced docket nor reasonably calculated to lead to the discovery of admissible evidence. Rasier further objects to this Request to Produce on the grounds that it seeks information that is confidential, proprietary, and trade secret information. Rasier further objects to this Request to Produce on the grounds that it seeks to impose discovery obligations on Rasier inconsistent with, and beyond the scope of, what is permitted under the Rules and Regulations of the Commission and Rules 26 and 34 of the South Carolina Rules of Civil Procedure.

2. Produce a copy of the agreement all passengers must agree to in order to receive rides on Uber's, Rasier's, or its subsidiaries' platform.

#### **RESPONSE:**

Notwithstanding and without waiving the General Objections, Rasier directs Intervenor to the publicly-available "User Terms" located at: <https://www.uber.com/legal/usa/terms>.

3. Copies of payroll records for driver “partners.”

**RESPONSE:**

Notwithstanding and without waiving the General Objections, Rasier is not aware of or in possession, custody, or control of any documents responsive to this Request to Produce.

4. Copy of Driver Agreement between Uber/Rasier/subsidiary and its driver “partners.”

**RESPONSE:**

Rasier objects to this Request to Produce on the grounds that it seeks information which is neither relevant to the subject matter with regard to the above-referenced docket nor reasonably calculated to lead to the discovery of admissible evidence. Rasier further objects to this Request to Produce on the grounds that it seeks information that is confidential, proprietary, and trade secret information. Rasier further objects to this Request to Produce on the grounds that it seeks to impose discovery obligations on Rasier inconsistent with, and beyond the scope of, what is permitted under the Rules and Regulations of the Commission and Rules 26 and 34 of the South Carolina Rules of Civil Procedure.

5. Copy of any driver “partners” solicitations used by Uber, Rasier, or its subsidiaries.

**RESPONSE:**

Rasier objects to this Request to Produce on the grounds that it is overly broad and impermissibly vague and seeks information which is neither relevant to the subject matter with regard to the above-referenced docket nor reasonably calculated to lead to the discovery of admissible evidence. Rasier further objects to this Request to Produce on the grounds that it seeks to impose discovery obligations on Rasier inconsistent with, and beyond the scope of, what is permitted under the Rules and Regulations of the Commission and Rules 26 and 34 of the South Carolina Rules of Civil Procedure.

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mitchell Willoughby', written over a horizontal line.

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December 5, 2014  
Columbia, South Carolina

# **ATTACHMENT C**

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2014-372-T**

IN RE:	)	
	)	
Application of Rasier, LLC for a	)	
Class C – Transportation Network Company)	)	<b>RESPONSES TO REQUESTS TO ADMIT</b>
Certificate of Public Convenience and	)	<b>OF CHECKER YELLOW CAB</b>
Necessity for Operation of Motor Vehicle	)	<b>COMPANY, INC. SOUTH CAROLINA</b>
Carrier	)	
_____	)	

Pursuant to S.C. Code Ann. Regs. 103-833(A) and -835 and Rules 26 and 36, South Carolina Rules of Civil Procedure, Rasier, LLC (“Rasier”) provides the following responses to Intervenor Checker Yellow Cab Company, Inc. South Carolina’s (“Intervenor”) Requests to Admit.

**GENERAL OBJECTION**

Rasier objects to Intervenor’s Requests to Admit for failure to comply with S.C. Code Ann. Reg. 103-835, the South Carolina Rules of Civil Procedure, and Public Service Commission of South Carolina (“Commission”) Order 2014-878, which approved the proposed schedule for this matter agreed to by the parties and established November 15, 2014, as the deadline for “Discovery Requests to All Parties.” As of the date of this response, Intervenor has not served the Requests to Admit on Rasier, much less by the November 15, 2014, deadline, nor has Intervenor furnished Rasier with a copy of the Requests to Admit by any method. By setting forth its responses herein, Rasier does not concede or waive this objection with respect to any or all of Intervenor’s Requests to Admit, and Rasier specifically asserts that Intervenor’s Requests

to Admit should be stricken for this failure to comply with the applicable discovery rules and the Commission's Order.

Rasier further objects to Intervenor's Requests to Admit to the extent they are overly broad and impermissibly vague, unduly burdensome, irrelevant, not properly limited in time, oppressive, and are not reasonably calculated to lead to the discovery of admissible evidence pursuant to the Rules and Regulations of the Commission and Rules 26 and 36 of the South Carolina Rules of Civil Procedure.

Rasier further objects to Intervenor's Requests to Admit to the extent they purport to seek discovery of information protected by attorney/client privilege, the work product doctrine, or any other applicable privilege, or seek discovery of trade secret or other confidential and proprietary commercial information. In setting forth its responses, Rasier does not waive any such privileges, immunities, or protections which may attach to information called for in, or which may be in response to, Intervenor's Requests to Admit, and no response is intended as or should be construed as a waiver of such privileges, immunities, or protections.

Rasier further objects to Intervenor's Requests to Admit to the extent they purport to seek legal conclusions.

Rasier further objects to Intervenor's Requests to Admit to the extent they purport to impose discovery obligations on Rasier inconsistent with, or beyond the scope of, what is permitted under the Rules and Regulations of the Commission and Rules 26 and 36 of the South Carolina Rules of Civil Procedure or any other applicable law. Rasier further objects to Intervenor's Requests to Admit to the extent they seek discovery of matters other than those subject to the jurisdiction of the Commission.



By responding to Intervenor's Requests to Admit, Rasier does not admit or concede the relevance or materiality of any request. Rasier reserves all objections to the admission into evidence or use of any or all of its responses to Intervenor's Requests to Admit. Rasier further reserves the right to revise, correct, update, supplement, or clarify any of these responses.

Subject to and without waiving these General Objections, which are incorporated into all responses as if stated verbatim therein, Rasier responds to the Requests to Admit as follows:

### **RESPONSES TO REQUESTS TO ADMIT**

1. Uber, Rasier, or any of its subsidiaries began South Carolina Operations in July 2014 despite having no Public Service Commission (PSC) authority.

#### **RESPONSE:**

Rasier objects on the grounds that this Request to Admit is overly broad and impermissibly vague, seeks legal conclusions, and seeks information which is neither relevant to the subject matter with regard to the above-referenced docket nor reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding and without waiving these and the General Objections, Rasier admits only that certain individuals ("TNC Partners") who had contracted with Rasier to obtain access to the IP-enabled smartphone application service developed by Uber ("Uber App") began providing transportation services in South Carolina in July 2014 and that, at that time, as now, the Commission had not made any determination or ruling as to whether or not Uber, Rasier, or any TNC Partner were subject to the Rules and Regulations of the Commission. Rasier denies any other assertion in this Request to Admit inconsistent with this admission as stated, and denies that the current Rules and Regulations of the Commission apply to Rasier's operations.

2. Uber, Rasier, or any [of] its subsidiaries' [sic] representatives contacted Office of Regulatory Staff (ORS) prior to opening and were advised they needed PSC authority to operate.

#### **RESPONSE:**

Rasier objects on the grounds that this Request to Admit is overly broad and impermissibly vague, seeks legal conclusions, and seeks information which is neither relevant to the subject matter with regard to the above-referenced docket nor reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding and without waiving these objections and the General Objections, Rasier admits only that Rasier had discussions with ORS regarding Rasier's operations prior to Rasier allowing TNC Partners access to the Uber App in South Carolina. Rasier denies the remainder of this

Request to Admit and denies any assertion in this Request to Admit inconsistent with this admission as stated.

3. Uber, Rasier, or any of its subsidiaries are operating in violation of the City of Columbia, City of Charleston, City of Myrtle Beach, and City of Greenville, South Carolina's vehicle for hire ordinances.

**RESPONSE:**

Rasier objects on the grounds that this Request to Admit is overly broad and impermissibly vague, seeks legal conclusions, and seeks information which is neither relevant to the subject matter with regard to the above-referenced docket nor reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding and without waiving these objections and the General Objections, Rasier denies this Request to Admit.

4. Uber, Rasier, or any of its subsidiaries have agreed to pay any fines its driver "partners" received as a result of violating vehicle for hire regulations or ordinances.

**RESPONSE:**

Rasier objects on the grounds that this Request to Admit is overly broad and impermissibly vague, seeks legal conclusions, and seeks information which is neither relevant to the subject matter with regard to the above-referenced docket nor reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding and without waiving these objections and the General Objections, Rasier denies this Request to Admit.

5. Uber, Rasier, or any of its subsidiaries provide Iphones for its driver "partners" for the exclusive use of Uber's Rasier's, or its subsidiaries' platform.

**RESPONSE:**

Rasier objects on the grounds that this Request to Admit is overly broad and impermissibly vague, and seeks information which is neither relevant to the subject matter with regard to the above-referenced docket nor reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding and without waiving these objections and the General Objections, Rasier admits only that Rasier makes available to certain TNC Partners smartphones for the purpose of accessing the Uber App. Rasier denies any assertion in this Request to Admit inconsistent with this admission as stated.

6. “Partner” drivers rate passengers on a scale of 1-5.

**RESPONSE:**

Notwithstanding and without waiving the General Objections, Rasier admits only that TNC Partners have the option to rate riders after each trip on a one-to-five-star rating scale and to provide feedback regarding their riders. Rasier denies any assertion in this Request to Admit inconsistent with this admission as stated.

7. Uber, Rasier, or any of its subsidiaries do all marketing and solicitation of passengers.

**RESPONSE:**

Notwithstanding and without waiving the General Objections, Rasier denies this Request to Admit.

8. Uber, Rasier, or its subsidiaries do not check its driver “partners” against the sexual offender registry.

**RESPONSE:**

Notwithstanding and without waiving the General Objections, Rasier denies this Request to Admit.

9. Uber, Rasier, or its subsidiaries have allowed convicted felons to operate on the Uber, Rasier, or any of its subsidiaries’ platform.

**RESPONSE:**

Notwithstanding and without waiving the General Objections, Rasier denies this Request to Admit.


10. Uber, Rasier, or its subsidiaries do not meet face to face with prospective driver “partners,” but instead allows the complete new driver process to take place online.

**RESPONSE:**

Notwithstanding and without waiving the General Objections, Rasier denies this Request to Admit.

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mitchell Willoughby', is written over a horizontal line.

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